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CITY RECORDER USE ONLY:

AGENDA ITEM #: Work Session

MEETING DATE: 09/27/2021

FINAL ACTION: _____

CITY COUNCIL STAFF MEMORANDUM

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

PROJECT TEAM: *Anna Ruggles, City Recorder
Jesse VanderZanden, City Manager*

MEETING DATE: *September 27, 2021*

SUBJECT TITLE: *Council Rules Work Session*

PURPOSE OF WORK SESSION:

To discuss two motions passed by Council to hold a work session pertaining to the Council Rules. This work session is planned for 35 minutes to discern if a consensus exists on next steps.

BACKGROUND:

At the July 12, 2021, regular City Council meeting, the Council passed two separate motions to have work sessions pertaining to Council Rules. The first motion was to discuss Council Communications (Section 6). This motion was time specific for September. The second motion was to discuss roles and responsibilities of the Mayor and Council President (Section 4). This motion was not time specific, however, discussion ensued that it be held at or close to the time of the other motion.

Because both motions pertain to Council Rules, they have been combined into one work session in the event time allows discussion of both. Due to the time specific requirement, Council Communications is the first topic. After this discussion, time permitting, roles and responsibilities is the second topic. If there is not enough time, roles and responsibilities will be scheduled for a separate work session in the coming months.

These motions follow a review of the Council Rules from late 2020 through early 2021. This review included six work sessions on September 11, October 12, November 23, January 11, January 25, and February 22, 2021, and resulted in the passage of four resolutions on November 9, January 25, February 8, and March 15.

The scope of the above review included Sections 3, 5, 6, 7, and adding Section 18. These sections included the topics above as well as public comment, statements to the media and other organizations, use of title and letterhead, ethics, decorum and order, censure, interactions with city

staff and attorney, serial communications, and public meetings law. The review was based on the League of Oregon Cities template.

ANALYSIS:

Motion 1 - Council Communications:

Discussion during the motion centered on whether to require a written report from each Councilor prior to each Council meeting. This report was proposed as a structured template that included such items as goals, objectives, and links to related reports. While the Council Rules allow written reports to be submitted by Councilors, a written report is not required by Council Rule. To require a written report would require an amendment to Section 6 of the Council Rules by resolution. Presently, if a Councilor submits a written report by Monday before a Council Packet is processed, it is included in the Council Packet under "Councilor Communications".

Discussion also ensued whether to move Council Communications to the front of the agenda. This was done prior to 2009; however, it was moved to the end of the meeting in an effort to accommodate the public; resulting in public comment, public hearings and decision-making or deliberations on city matters which require a vote of the Council being heard prior to Councilmember reports.

Council Communications are outlined in Section 6.7.A of the Council Rules. The Rules state *"Time provided for Councilmembers to present a brief summary of matters of interest to the Council and to present Boards and Commission liaison reports."* This rule was clarified as part of the above review.

While a Councilor is not limited to what they can report on, items of interest to the Council have generally included items the Council as a body has assigned the Councilor to serve on, i.e., a Board or Commission, or items assigned to the position as part of its official duties, i.e., the Washington County Coordinating Committee. While the Councilor may report on items arising from positions not appointed by Council, such as a non-profit Board or task force, they are not required to report these items.

More broadly, Councilor communications are also addressed in Section 5 of the Council Rules: Decorum, Order, Ethics and Statements to Media and Other Organizations. In addition to decorum and order at Council meetings, this section covers the conditions under which the Councilor may represent the City or Council and when they must caveat their comments by stating they are expressing their own opinion and affirming it is not on behalf of the City or Council.

Councilor Communications reports are intended to fulfill the requirements of Council Rule 14.8 which states *"The Council Liaisons role is to collaborate between the Council and the B/C to assure each group's collective interest is accurately and effectively represented to the other. This includes actively attending and reporting to each entity at their regular scheduled meetings."*

At times Councilmember reports have been expanded to other areas which has led to concerns that these items were not placed on the agenda and/or publicly noticed prior to deliberation. In response to this concern and in accordance with existing Council Rules, that agenda has been amended to allow a Councilor to propose to add or delete an item from the agenda at the start of the meeting.

Per Council Rule, the item can be added at that meeting if it is approved by a majority of the Council and does not require a staff report. If it requires a staff report, it may be scheduled for a future meeting.

Motion 2 - Mayor and Council President Roles and Responsibilities:

The roles and responsibilities of the Mayor and Council President are outlined in Section 4 of the Council Rules. Because Section 4 of the Council Rules mirrors the language in Sections 8 and 9 of the City Charter, any change to the Council Rules would most likely require a change to the City Charter. The only exceptions would be if the Council Rule is wholly consistent with and not contradictory to the Charter.

The process for changing the City Charter is contained in Section 31 of the Forest Grove Code of Ordinances and is significantly different than the process to change the Council Rules. Council Rules can be changed by resolution by a majority of the City Council without a public hearing. The City Charter can only be changed by a measure referred to city electors (defined as an individual eligible under state law to vote in a city election) by a majority of the City Council, similar to the Local Option Levy process, or by initiative petition by city electors.

Council Rules Section 4:

The language below is currently in the Council Rules and founded on the League of Oregon Cities' Model Rules.

4. 1 Mayor – Pursuant to City Charter, Section 8, the Mayor shall preside over and facilitate all Council meetings, preserve order, enforce Council Rules, and determine the order of business pursuant to Council Rules, Section 6. The Mayor is a voting member of the Council and has no veto authority. The Mayor, with the consent of the Council, shall appoint members of boards, commissions, and committees established by ordinance or resolution. The Mayor shall sign all records of Council decisions. The Mayor serves as the political head of the City. In the absence of the Mayor, the Council President shall act as Mayor and serve as the Presiding Officer.

4. 2 Council President – Pursuant to City Charter, Section 9, at the first meeting each year, the Council shall elect a Council President from its membership. The Council President presides in the absence of the Mayor and acts as Mayor when the Mayor is unable to perform duties. In the absence of the Mayor and Council President at a meeting where a quorum is present, the Councilmember with the longest continuous service shall serve as Presiding Officer pro tem until such time the meeting is adjourned.

City Charter:

The City Charter was last amended in 2009 and the Charter includes foundational items such as name, powers, elections, terms, roles and responsibilities, and more.

The Charter review was based on the League of Oregon Cities Charter template and the scope was the entire City Charter. The review included a Charter Review Committee composed of city

residents and the process took approximately one year to complete, not including the election process. The City Attorney was extensively involved and led the process.

Based on Forest Grove's past example and recent examples from Gladstone, Sherwood, and Beaverton, the Charter process involves: 1) Council appointment of a Charter Review Committee composed of residents, 2) Council work sessions to define the scope, timeline, and process for the Charter Review Committee and referral to the ballot, 3) between 4-6 meetings of the Charter Review Committee that include City staff and the City Attorney, and 4) City staff time to file the requisite paperwork for the ballot and implement any changes deriving from the vote.

COUNCIL GOALS AND OBJECTIVES:

This is not listed as a Council objective, however, it may be responsive to a Council goal and objective depending upon the scope. If the Council decides to move forward, any review process would be assigned to Administration. Current Council objectives for Administration for this year include DEI Plan and training, homelessness partnering, Levy planning, ARP programming, pandemic support, fire governance, and Communications Plan.

STAFF RECOMMENDATION:

Staff recommends the Council discuss the following:

- Any potential changes to the Council Rules, including Councilor Communications, and, if so, consensus on what types.
- Any potential changes to the Council Rules, including Mayor and Council President roles and responsibilities, and, if such changes would require changes to the City Charter.
- Whether the Council wants to embark on a Charter revision process at this time and if so, consensus on next steps, i.e., scope and timeline.
- What Council objectives may be impacted by either effort.